

Remarks

The present paper is in response to the Office Action mailed in the above-referenced case on May 26, 2004. In the action claims 14-21 and 23 are presented for examination. Claims 14-21 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horbal, (US 6,112,246), hereinafter Horbal, in view of Brown (et al. (US 6,480,896) hereinafter Brown and further in view of Perkins (US 5,159,592) hereinafter Perkins.

In response to the Examiner's rejections and statements, applicant herein amends claim 14 to correct claim language. Applicant further provides arguments which clearly distinguish applicants invention from those of the art provided by the Examiner.

The Examiner states that Horbal and Brown teaches the invention substantially as claimed with the exception of the claim limitation reciting a system for adding a control unit via wireless communication within range to a base station. The Examiner states that networking via wireless communication is well known in the art. The Examiner relies on Perkins to teach a system for enabling wireless devices to communicate with a wired network via a base station (local gateway); see abstract, col. 3 lines 16-37.

The Examiner states it would have been obvious to use the wireless network with the system of Horbal , such as taught by Perkins, because it would have reduced electrical wirings for communication with the control unit. Further, the Examiner adds that Horbal teaches auto discovery and maintains a list of all devices (col. 17, lines 2-15) such that the new devices may be monitored through the Website. The Examiner states Horbal teaches automatically assigning an IP address to a new control unit (col. 14 lines 23-25). The Examiner continues that Perkins teaches registering and assigning an address to a wireless control unit that is within range of a base station (gateway, col.5, lines 50-65). Hence, the Examiner continues, it would have been obvious for one skilled in the art to implement the Horbal system as modified to assign addresses and register the new control unit when it is brought in range of the base station because it would have enabled automatic discovery and configuration of the added device.

Applicant points out the limitation in question recites that control units are added at the home or business wherein the base station configures, through the respective

wireless communication interfaces, any new control unit brought into the home or business by adding the control unit to a list managed by the base station, including assigning the control unit an address, and communicating to the associated web site details regarding the new control unit in a manner that the subscriber may monitor and control the appliance associated with the new control unit through the web site.

Applicant strongly disagrees with the Examiner's interpretation of the art of Horbal and Perkins above. Applicant argues that Horbal fails to assign an IP address to a control unit being initialized. Horbal teaches in col. 14, lines 20-23 that the address is passed from the OEM device, i.e. dipswitch, etc. to the micro-server. Further, applicant argues that Perkins also fails to configure and assign an IP address to a new control unit as claimed.

Applicant asserts that Perkins is not in analogous art because Perkins teaches a mobile communication system in which mobile units 10 travel in and out of service areas. Column 5 lines 50-65 of Perkins teaches that each mobile unit 10 has a unique identifier or serial number. When a mobile unit enters a new service area of the system the unit sends a message to the nearest gateway to request a pseudo-IP address which enables the gateway to send buffered and new packets to the mobile unit.

Applicant does not believe one skilled in the art would look to a system sponsoring plural mobile units, which do not maintain a fixed communication relationship to a gateway, wherein the mobile units must identify themselves and request, from the gateway, the temporary IP address, or pseudo-address to communicate with the gateway in the given location. Applicant argues that the mobile unit is already known by the gateway when the gateway receives the initiation request from the mobile unit 10 and the gateway merely assigns a temporary IP address from a pool of known addresses in order to establish packet communication. The combination of Horbal, Brown and Perkins fail to teach or suggest applicant's invention as claimed.

Applicant argues that, based on the above arguments, the art of Horbal and Perkins fail to teach or suggest control units added at the home or business wherein the base station configures, through the respective wireless communication interfaces, any new control unit brought into the home or business by adding the control unit to a list managed by the base station, including assigning the control unit an address, and


communicating to the associated web site details regarding the new control unit in a manner that the subscriber may monitor and control the appliance associated with the new control unit through the web site.

Applicant argues that the art presented by the Examiner does not combine to provide a Prima Facie Section 103(a) case against the standing claims. Therefore, claims 14 and 17 are patentable over the art. Claims 15-16, 18-21 and 23 are patentable on their own merits or at least as dependent upon a patentable claim.

As all of the claims as amended are patentable to the Applicant over the art of record, the Applicant respectfully requests reconsideration and that the case be passed quickly to issue. If there are any extensions of time required beyond any extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully,
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by



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